

**STATE OF KANSAS  
DEPARTMENT OF HEALTH AND ENVIRONMENT**

In the Matter of Licensure of  
Busy Bees Childrens Academy  
1717 Clover  
Junction City, Kansas 66441

Case No. 16-H-114

A Day Care Home Operated by  
Tyesha Seale

Day Care License No. 501085

**EMERGENCY ORDER OF SUSPENSION**

NOW on this 14 day of September, 2016, Susan Mosier, MD, Secretary of the Kansas Department of Health and Environment [Secretary], reviews the file on the day care home operated by Tyesha Seale [Permittee].

WHEREUPON, the Secretary finds that:

1. The Kansas Department of Health and Environment [KDHE] issued to Permittee, pursuant to K.S.A. 65-501 *et seq.*, a temporary permit to operate a day care home, effective August 29, 2016 to November 26, 2016.

2. On September 9, 2016, an initial survey of Permittee's home was conducted. Multiple violations of the regulations governing the operation of day care homes were found, including the following:

a. Two adults were caring for children and did not have records documenting a negative TB test as required by K.A.R. 28-4-126(c) and their names and addresses had not been submitted to the KDHE for a background check as required by K.A.R. 28-4-126(b)(1).

b. Two infants in the home did not have any records, including immunizations as required by K.A.R. 28-4-117(c) and a medical record as required by K.A.R. 28-4-117(a)(1).

c. An infant was napping on its stomach in violation of K.A.R. 28-4-116a(d), an infant was napping on the floor in violation of K.A.R. 28-4-116a(b)(5)(A), and no cribs or playpens were available to nap an infant in violation of K.A.R. 28-4-28-4-116a(b)(5)(A).

d. No documentation of the training required for the Permittee or other providers was on file in violation of K.A.R. 28-4-114a.

3. On or about September 10, 2016, Permittee was arrested for multiple crimes, including domestic battery, aggravated battery, aggravated assault and possession of drugs.

4. K.S.A. 65-524 authorizes the Secretary to suspend a temporary permit to operate a day care home prior to a hearing when, in the opinion of the Secretary, said suspension is necessary to protect any child in the home from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

5. Due to the facts contained in paragraphs 2 and 3 above, the Secretary has determined that immediate suspension of Permittee's temporary permit is necessary to protect children in Permittee's care from a substantial threat to their health or safety.

WHEREUPON, the Secretary hereby suspends Permittee's temporary permit to operate a day care home, effective immediately, thereby prohibiting Permittee from caring for children. This Emergency Order of Suspension remains in effect until the issuance of an order rescinding this order.

### **RIGHT TO A HEARING**

This Emergency Order of Suspension is issued pursuant to K.S.A. 77-536 of the Kansas Administrative Procedure Act.

Permittee may file a Petition for Judicial Review pursuant to K.S.A. 77-610. A Petition for Judicial Review shall be filed within 30 days after service of the Emergency Order of Suspension or 30 days after an Order Denying a Request for Reconsideration. Service of the Petition for Judicial Review shall be served on Secretary Susan Mosier, MD, Secretary, Kansas Department of Health and Environment, Curtis State Office Bldg., Ste. 540, 1000 SW Jackson, Topeka, Kansas 66612.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "Susan Mosier, Deputy Secretary, for".

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Susan Mosier, MD, Secretary  
Kansas Department of Health and Environment

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2016, a true and correct copy of the above and foregoing Emergency Order of Suspension was deposited in the U.S. Postal Service, first-class, postage prepaid, addressed to:

Tyesha Seale  
1717 Clover  
Junction City, Kansas 66441

Brenda Sloop  
Staff Member

And on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, a facsimile copy of the above and foregoing Emergency Order of Suspension was hand-delivered to:

Tyesha Seale  
1717 Clover  
Junction City, Kansas 66441

By \_\_\_\_\_